

A Special Meeting of the Marilla Town Board was held Tuesday, September 9, 2003 at 8:00 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York 14102. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order at 8:00 p.m. The purpose of this meeting was to enter into executive session to discuss PACE negotiations. The Town Clerk posted a copy of the notice of a Special Meeting and contacted the Elma Review and Alden Advertiser.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to go into executive session. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to go out of executive session. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spantiz to adjourn the Special Meeting at 8:35 p.m.

Respectfully Submitted,

\_\_\_\_\_ Town Clerk

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Regular Meeting  
September 11, 2003

A Regular Meeting of the Marilla Town Board was held September 11, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given. A moment of silence was taken for the September 11<sup>th</sup> 2001 Victims.

**Communications**

The Marilla Methodist Church Buttercreamers are having a Community Raking Day. Anyone interested in helping residents who are shut in and need assistance for a day, please contact Chris at 685-3976.

**Committee Reports**

Highway Superintendent Dave Pierce reported that roadsides have been mowed for the third time and they have finished blacktopping at the Memorial Pavilion area. He also reported that Three Rod Road from Williston Road to Liberia Road would be closed from September 12<sup>th</sup> until the completion of a culvert replacement.

Councilman Gingerich reported that the Library Board met once again to discuss consolidation, but he doesn't think Marilla will go along with it. He stated that the Conservation Advisory Board would be meeting on September 16<sup>th</sup> to review the new Grant and two new possible parcels.

Councilman Spanitz reported that the deck is on at the Pavilion and the next meeting will be on Monday night at 7:00 at the Pavilion site. She stated that the Planning Board has been working very hard on the Golf Course zoning regulations.

Councilman Specht reported that on September 8<sup>th</sup> he and Town Assessor, Kandace Wittmeyer met with a representative from the County to look at the latest version of the GIS system and He also has talked with Ken Beem from the County about the T-1 line and its possibilities for our future use.

Councilman Gertz reported that he filed the Town's Disaster Plan with the County. We are currently working on a Mitigation Plan because the State has come up with some new rules. He also reported that the Town would be holding a HAZMAT Study, as required by the County on September 18<sup>th</sup>, at the Town Hall.

Supervisor Foss gave his 2004 Budget report as follows:

The budget report for 2004 remains generally stable. The Town of Marilla, as most Towns and Villages, are experiencing major increases in retirement, medical, and insurance costs. I have balanced the increased costs by not proposing any major new projects in 2004. The major expense increase for 2004 other than the above 3 items will be the Sesqui-centennial Celebration.

Salary increases will be recommended to be 3% for all areas except Town Clerk and Highway Superintendent. The Town Clerk is accepting responsibility for the new web page for the Town of Marilla at a salary increase of \$3,000 per year. The cost of contracting an outside consultant would be considerably higher and we will be able to maintain local control. We will be doing this by using the County's T-1 line they have already provided and their expertise that is available to Towns and Villages. The Highway Superintendent is accepting responsibility for all buildings and grounds and 2 additional employees that work in the General Fund, Highway, and Sanitation areas. The purpose of this is to only have one Supervisor for all our full time employees. I have found having more than one boss for employees is confusing and inefficient. I am proposing to increase the salary for Highway Superintendent \$3,000 this year and \$3,000 next year for a total increase of \$6,000.

General Fund- Appropriations are up 4% mostly due to medical, retirement, and insurance costs. The Town fund balance remains healthy and there will be no General Fund tax necessary for the year 2004. The big event of the year will be the celebration of the Town of Marilla's Sesqui-centennial and everyone will be focused on getting the Town ready for this event.

Highway- The Highway Department has increased expenses due to retirement, insurance, medical, fuel, and salt costs. The highway reserves will cover most of these costs but we will need to increase the Highway tax from .45 cents to .60 cents per thousand to help maintain sufficient reserves. The Highway tax will still be the lowest in Erie County.

Sanitation- The Sanitation District remains in good shape financially and I anticipate no change in rates or services.

Fire District – The Marilla Fire Company has done its usual excellent job and kept their costs to a 4% increase. Other costs such as insurance, alarm and service award are also increasing and the Fire District tax will increase about 6% from \$1.48 to \$1.57.

Water II – Due to lower interest and legal costs the rate will be slightly lower.

Water III – Due to lower interest rates we will be able to pay off more principal on the yearly BAN and reduce rates.

Water IV – remains the same.

Community Development – No projects at this time.

PACE – The Town is pursuing a new Grant and it will be budgeted at the time cost sharing is required. These costs will come out of General Fund Reserves and will not cause a General Fund Tax.

2003 information – Many people are interested in the project on the corner of Bullis and West Avenue and its costs. The Town has spent considerable funds to purchase the corner, remove the buildings on site, and landscape the property. The total costs will be about \$165,000. When I proposed the project last December I had available the information that our surplus for the year in the General Fund for 2002 was going to be about \$155,000. The Town at that time had sufficient surplus from previous years, approximately \$400,000 that I proposed to use the 2002 surplus to fund this project. The added \$10,000 costs were because of asbestos and a gasoline tank we encountered. At the end of this project the town will still be in solid financial position with sufficient reserves for emergencies. To purchase this site and make the changes that improve the appearance of our hamlet is a one-time opportunity and I thank the Town Board for their support with the project. With the addition of the Pavilion and sidewalk we will now have a beautiful center in our hamlet that we all can be proud of. No new taxes will occur from this project.

### **Open Board Presentation From the Public**

### **Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the Minutes from the Public Hearing and Regular Board Meeting held on 8/14/2003. Motion Carried.

### **New Business**

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the following resolution that the Planning Board of the Town of Marilla has proposed new standards in connection with the construction of golf courses within the Town of Marilla to deal with issues such as drainage, screening, buffer zones and other issues and has submitted Local Law No. 2 of the Year 2003", entitled "Amendment to the Code of the Town of Marilla" to the Town Board for their review and approval and presented a copy to each member of the Board which reads as follows:

A hearing before the Town Board of the Town of Marilla, in the County of Erie, shall be held at the Town Hall, 1740 Two Rod Road, Marilla, New York at 7:30 p.m. on the 9th day of October, 2003, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2003; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, the East Aurora Advertiser and the Elma Review, designated by the Town as its official newspapers for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (c) notify County Planning as required under Section 239-m of the General Municipal Law and (d) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 2 of the Year 2003, entitled "Amendment to the Code of the Town of Marilla", available at her office for inspection and distribution to any interested person during business hours.

Roll Call Vote:

Supervisor Foss – aye

Councilman Spanitz – aye

Councilman Specht – aye

Councilman Gertz – aye

Councilman Gingerich – aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to following resolution:

WHEREAS, the Town Board of the Town of Marilla has determined that there is a need to amend the Code of the Town of Marilla to better regulate the construction and operation of golf courses in the Town of Marilla; and

WHEREAS, the Town Board has caused the Town Planner and the Planning Board to prepare a draft of a proposed local law to accomplish these changes to the Code of the Town of Marilla and has caused the Town Engineers to prepare a short form EAF statement in connection with the adoption of this local law; and

WHEREAS, the Town Board has determined that the proposed action is an Unlisted Action under SEQRA but has determined that a coordinated review should be conducted.

WHEREAS, the Town Board of the Town of Marilla believes that the Town of Marilla is the agency primarily responsible for undertaking decisions as to zoning and design standards for construction and operation in the Town of Marilla and is the agency with the broadest governmental powers for investigating the impact of the proposed action and has the greatest capacity for providing the most thorough environmental assessment of the proposed action the most local agent with permitting authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed enactment of the local law regulating golf course construction and operation is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the lead agency for all environmental review of the proposed local law.
3. The Town Board directs that the Town Clerk of the Town of Marilla with the assistance of the Town Engineers and Town Attorney send the required notice with all required attachments to all other interested agencies about the proposed action and the determination by the Town of Marilla of its desire to act as lead agency under SEQRA.
4. This resolution shall take effect immediately.

Roll Call Vote:

|                            |                          |
|----------------------------|--------------------------|
| Supervisor Foss – aye      | Councilman Spanitz – aye |
| Councilman Specht – aye    | Councilman Gertz – aye   |
| Councilman Gingerich – aye |                          |

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to set the date for a public hearing as to the possible use of HUD funds for 2004, within the restrictions of low income or handicapped requirements for October 9<sup>th</sup> 2003 at 7:35 pm. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to approve the flag lot currently owned by Water Schmidt with the SBL #129.00-11-11.111 which was part of original parcel 129.00-11-11.1, this is contingent of the approved recommendation of the Conservation Advisory Board.

Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Councilman Spanitz – aye | Councilman Gingerich - aye |
| Councilman Specht – aye  | Councilman – Gertz - aye   |
| Supervisor Foss - aye    |                            |

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to appoint Russell Cordier, Paul Robinson and Councilman Fred Specht to the Committee to represent the Firemen's Service Award investment. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve Fire Service Agency Inc. of Sanborn, representing Standard Security Life Insurance Company of New York as a Town approved depository for the Fire Service Funds. Motion Carried.

Supervisor Foss set October 20<sup>th</sup> at 7:00 pm at the Marilla Town Hall as the date for the Preliminary Budget Meeting.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to approve declaring 1977 Oshkosh Plow Truck as surplus equipment. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to set the date for the November Board Meeting at 7:30 pm on November 6<sup>th</sup> 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to set the date for the Public Hearing for the Firemen's Contract for November 6<sup>th</sup> at 7:30 pm and the 2004 Annual Budget for 7:35 pm. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve Darlene Vogel as consultant for the PACE Grant application at a cost not to exceed \$2,500. Motion Carried.

### **Report of Town Officials**

Town Engineer Mike Smith reported that he had received the estimated funding package from Rural Development for Water District V. The grant share for the project is \$365,000, which does meet the goals we had set before. Although this is a significant amount of funds, we were hoping for more. This could mean residents in that district may have to come in to sign the petition for water again. The earlier figures were about \$585 per household, the cost could now be at about \$672 per household, but these are only preliminary figures. There doesn't seem to be any other grant funds to apply for.

Building Inspector John Fronczek submitted a written report with 16 building applications received with fees totaling \$951, 16 building permits issued with a total value of \$113,850, 13 inspections were made and 1 complaint was acted on. One Variance application was received. There were a total of 165 activities.

Planning Board minutes received and posted, Planning Board Chairman Judy Gillman reported that the next meeting would be held on October 16<sup>th</sup> at 7:30 pm.

CAB minutes have been received and posted.

Town Historian Hubert Kutter reported that he received a request for information on the Town from the 1830's census. He also stated that any organization that would like to submit historical information about their group in the upcoming book, should contact him.

Lenny Blizniak from the Marilla Fire Company wanted to thank the Town Board for making the changes in the Firemen's Service Award program, it really benefits the younger volunteers.

### **Open Board Presentations**

Supervisor Foss commented that this is his 18<sup>th</sup> year as Supervisor and he as an elected Official accepts being under criticism, but his secretary, Carla Miley is appointed and does not deserve having her name in the newspaper. She has been accused of giving

something to the State Auditor, Carla has been my bookkeeper for 4 years and has done an excellent job, she did nothing wrong!

Planning Board Chairman, Judy Gillman thanked Bob Miller from Nussbaumer & Clarke for the great job on the Golf Course zoning regulations.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

|                                       |    |           |
|---------------------------------------|----|-----------|
| General Fund Claims, Vouchers 372-426 | \$ | 59,119.45 |
| Highway Fund Claims, Vouchers 144-158 | \$ | 4,273.73  |
| Special Districts                     |    |           |
| Sanitation (SR), Vouchers 98-105      | \$ | 12,805.24 |
| Special Lighting, Voucher             | \$ | .00       |
| Special Fire, Vouchers 9              | \$ | 2,918.58  |
| Water District #2, Vouchers 27-28     | \$ | 2,288.49  |
| Water District #3, Voucher 11         | \$ | 1,231.19  |
| Water District #4, Vouchers 9         | \$ | 743.59    |
| Community Develop. PACE voucher 7     | \$ | 1,385.00  |

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to adjourn at 8:05p.m. Motion Carried.

Respectfully submitted,

\_\_\_\_\_ Town Clerk \_\_\_\_\_ Supervisor

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman